THE HON'BLE MR JUSTICE B.PRAKASH RAO

and

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.1930 of 2005

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7th February 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 06.09.2005 in W.P.NO.19734 OF 2005 on the file of the High Court.)

Between:

Pathan Rahman Khan, S/o. P. Usman Khan,
R/o. Door No. 86/139, Old Housing Board Colony, B-Camp,

Kurnool-518 002, (.A.P)

...APPELLANT

AND

The Deputy General Manager (Vigilance), State Bank of India,

Local Head Office, Koti, Hyderabad.

...RESPONDENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.1930 of 2005

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard Sri Pathan Rahman Khan, the appellant, who appeared party-in-person and Sri K.Srinivasa Murthy, the learned Standing Counsel for S.B.I., appearing on behalf of the respondent.

At their request, the main appeal itself is taken up for disposal.

The appellant/party-in-person is the unsuccessful writ petitioner, who seeks to assail the order dated 06.09.2005 dismissing the Writ Petition filed for a mandamus seeking to assail the letter dated 11.11.2004 rejecting supply of copy of enquiry report to him. Factually, the appellant was an employee of the respondent/bank, but after regular enquiry he was removed from service as a measure of penalty. Admittedly, the said order was challenged before various authorities of Courts and ultimately, it had become final. No further proceedings are pending in assailing the

same. However, by placing reliance on the decisions ***ECIL v. B.Karunakar*** and ***P.Rahman Khan v. Asst.General Manager, SBI***, the appellant filed a representation dated 19.07.2004 contending that since the copy of the report of the enquiry officer was not furnished, the entire proceedings are vitiated. Thus, he is entitled for the said report and for fresh consideration of the matter. However, the same was rejected as per the impugned letter dated 11.11.2004. Hence, the Writ Petition. The learned Single Judge, after going through the urge, did not find favour with him and dismissed the Writ Petition.

Having heard the party-in-person and the learned Standing Counsel for SBI and on perusal of the material available on record, it is seen that the order or removal itself is as long back as of the year 1983 and the same was assailed in various proceedings under Court of law and the same were negatived and became final. However, by taking advantage of certain principles, the appellant/petitioner seeks to reopen the whole issue by filing a representation on 19.07.2004 and the same was rejected. The main contention is that having regard to the principle raised in these two decisions, the same would apply to his case and therefore, the non-supply of the enquiry report is wholly reasonable. However, it is to be seen that the order of removal was already upheld in Court of law. Therefore, such representation filed at a belated stage on 19.07.2004 does not arise. The principle laid down in the decisions cited supra would not be a ground to seek reopening of the case nor the party would be entitled of such principles especially when such individual orders passed against him became final, conclusive and binding. In the circumstances, we are entirely in agreement with the decision of the learned Single Judge. Hence, there are no merits

in the appeal.

Accordingly, the Writ Appeal is dismissed. No costs.

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(B.PRAKASH RAO, J)

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(D.APPA RAO, J)

7th February 2006

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